



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS
Signature required

SEP 17 2015

Mr. George Bersik
Environment Specialist
G & W PA Laboratories, LLC
650 Cathill Road
Sellersville, PA 18960

**Re: Notice of Violation
Compliance Evaluation Inspection
June 17, 2015
EPA ID No. PAD059010421**

Docket Number: R3-15-NOV-RCRA-039

Dear Mr. Bersik:

On June 17, 2015 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Commonwealth of Pennsylvania Hazardous Waste Regulations ("PAHWR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §§ 6901 *et seq.* at the facility owned and operated by G & W PA Laboratories, LLC ("G&W"), and located at 650 Cathill Road, Sellersville, PA 18960 (the "Facility").

Based on that CEI and a review of other pertinent information, EPA has determined that, at the time of the CEI, the Facility was in violation of the following regulations promulgated as part of the PAHWR, and pursuant to RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation ("NOV")**. The specific violation(s) are:

1. During the inspection of the Hazardous Waste 90 day accumulation area the inspector observed 2 metal cabinets storing smaller containers of hazardous wastes. Within these cabinets the inspector observed 3 containers with dates that would indicate storage of greater than 90 days. However, the facility representative stated this date represents the date the container began collecting waste in the satellite accumulation area. The date which these waste containers first began accumulating in the 90 day area was not clearly marked; see page 4 photos 8 & 10 in the inspection report. Failure to mark the container with the date upon which accumulation began as required by 25 PA §262a [40 CFR 262.34(a)(2)].
2. During the inspection of the Hazardous Waste 90 day accumulation area the inspector observed a 55 gallon container that G&W uses as a satellite accumulation area for the

spent Isopropyl Alcohol generated from other areas from around the facility; see pages 5 & 6 and photos 1 & 2 of the inspection report. Failure to have the accumulation of hazardous waste at or near the point of generation and under the control of the operator as required by 25 PA §262a [40 C.F.R. 262.34(c)(1)].

3. During the inspection of the universal waste storage area there were 2 unmarked containers storing universal waste lamps; see photos 2 & 3. One of the containers was open and G&W was unable to demonstrate the length of time that the universal waste lamps had been accumulating. Failure to manage, label, and demonstrate accumulation time for universal waste lamps, in violation of 25 Pa. Code 266b.1 [40 CFR 273.13(d)(1), 14(e), 15(c)].

Area of Concern

Job description documents reviewed for the Scientist I requires RCRA training, however it was unclear what specific duties are performed relating to hazardous waste management as required in 25 PA §265a [40 CFR §265.16(d)].

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.


Within thirty (30) calendar days of the receipt of this NOV, please submit a response documenting the measures the Facility has taken or is taking to correct the violations observed in the loading dock area to achieve compliance with the applicable regulations. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed. In addition, you may provide an explanation of facts and circumstances that cause you to believe that EPA's determinations of the alleged violations are in error.

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information about contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not your company is covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it

preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Stephen Forostiak (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Sept 17, 2015
Date

Enclosure

cc: Steve Forostiak (3LC70)
Natalie Katz (3RC30)